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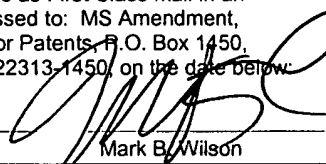
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July 15, 2004

CERTIFICATE OF MAILING  
37 C.F.R. 1.8

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July 15, 2004  
Date  Mark B. Wilson

**MS AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

RE: *U.S. Patent Application No. 10/781,055 entitled "RATIONALLY DESIGNED AND CHEMICALLY SYNTHESIZED PROMOTER FOR GENETIC VACCINE AND GENE THERAPY" – Stephen Johnston and Bao-Xi Qu*  
*Our reference: UTSD:788US*  
*Client reference: UTSD0788*


Sir:

Enclosed for filing in the above-referenced patent application is an Information Disclosure Statement, Form PTO-1449, and references A1-A3 and C1-C27.

No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to the enclosed materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/UTSD:788US.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,

  
Mark B. Wilson  
Reg. No. 37,259

MBW/kmv  
Encl.: as noted



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Stephen Johnston  
Bao-Xi Qu

Serial No.: 10/781,055

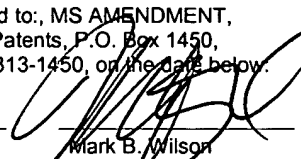
Filed: February 18, 2004

For: **RATIONALLY DESIGNED AND  
CHEMICALLY SYNTHESIZED  
PROMOTER FOR GENETIC VACCINE  
AND GENE THERAPY**

Group Art Unit: 1653

Examiner: Unknown

Atty. Dkt. No.: UTSD:788US

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Date	Mark B. Wilson

**INFORMATION DISCLOSURE STATEMENT**

**MS AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R §§ 1.97(g), (h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be

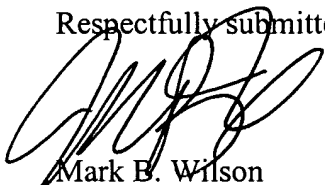
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an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/UTSD:788US.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,



Mark B. Wilson

Reg. No. 37,259

Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
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Date: July 15, 2004

Form PTO-1449 (modified)

Atty. Docket No.

UTSD:788US

Serial No.

10/781,055

List of Patents and Publications for Applicant's

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Applicant

Stephen Johnston

Bao-Xi Qu

Filing Date:

February 18, 2004

Group:

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## U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A1	4,683,202	7/28/87	Mullis	435	91	10/25/85
	A2	5,928,906	7/27/99	Köster <i>et al.</i>	435	91.2	5/09/96
	A3	6,410,210	6/25/02	Gabriel	430	315	5/30/99

## Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No

## Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

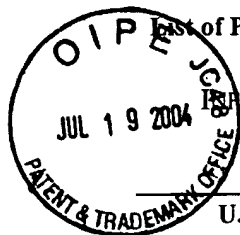
Exam. Init.	Ref. Des.	Citation
	C1	Barry <i>et al.</i> , "Protection against mycoplasma infection using expression-library immunization," <i>Nature</i> , 377(6550):632-635, 1995.
	C2	Breathnach and Chambon, "Organization and expression of eucaryotic split genes coding for proteins," <i>Annu. Rev. Biochem.</i> , 50:349-383, 1981.
	C3	Burke <i>et al.</i> , "The DPE, a conserved downstream core promoter element that is functionally analogous to the TATA box," <i>Cold Harbor Symposia on Quantitative Biology</i> , Volume LXIII, 75-82, The Mechanisms of Transcription, 1998.
	C4	Faisst and Meyer, "Compilation of vertebrate-encoded transcription factors," <i>Nucleic Acids Research</i> , 20(1):3-26, 1992.
	C5	Fujita <i>et al.</i> , "Delimitation and properties of DNA sequences required for the regulated expression of human interferon- $\beta$ gene," <i>Cell</i> , 41(2):489-496, 1985.
	C6	Fynan <i>et al.</i> , "DNA vaccines: protective immunizations by parenteral, mucosal, and gene-gun inoculations," <i>Proc. Natl. Acad. Sci., USA</i> , 90:11478-11482, 1995.
	C7	Graves <i>et al.</i> , "Homologous recognition of a promoter domain common to the MSV LTR and the HSV tk gene," <i>Cell</i> , 44(4):565-576, 1986.

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EXAMINER:

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Form PTO-1449 (modified)

Atty. Docket No.  
UTSD:788USSerial No.  
10/781,055

List of Patents and Publications for Applicant's

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(Use several sheets if necessary)

Applicant  
Stephen Johnston  
Bao-Xi QuFiling Date:  
February 18, 2004Group:  
1653U.S. Patent Documents  
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See Page 1Other Art  
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## Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C8	Gronostajski, "Site-specific DNA binding of nuclear factor I: effect of the spacer region," <i>Nucleic Acids Research</i> , 15(14):5545-5559, 1987.
	C9	Harms and Splitter, "Interferon- $\gamma$ inhibits transgene expression driven by SV40 or CMV promoters but augments expression driven by the mammalian MHC I promoter," <i>Hum. Gene Ther.</i> , 6(10):1291-1297, 1995.
	C10	Hu <i>et al.</i> , "Transcriptional factor AP-4 contains multiple dimerization domains that regulate dimer specificity," <i>Genes Dev.</i> , 4(10):1741-1752, 1990.
	C11	Kadonaga <i>et al.</i> , "Isolation of cDNA encoding transcription factor Sp1 and functional analysis of the DNA binding domain," <i>Cell</i> , 51(6):1079-1090, 1987.
	C12	Liu and Green, "A specific member of the ATF transcription factor family can mediate transcription activation by the adenovirus Ela protein," <i>Cell</i> , 61(7):1217-1224, 1990.
	C13	McDonnell and Askari, "Molecular medicine," <i>New Engl. J. Med.</i> , 334(1):42-45, 1996.
	C14	Mitchell and Tijian, "Transcriptional regulation in mammalian cells by sequence-specific DNA binding proteins," <i>Science</i> , 245(4916):371-378, 1989.
	C15	Pardoll <i>et al.</i> , "Exposing the immunology of naked DNA vaccines," <i>Immunity</i> , 3:165-169, 1995.
	C16	Perlmann <i>et al.</i> , "Determinants for selective RAR and TR recognition of direct repeat HREs," <i>Genes Dev.</i> , 7B:1411-1422, 1993.
	C17	Pollock <i>et al.</i> , "Human SRF-related proteins: DNA-binding properties and potential regulatory targets," <i>Genes Dev.</i> , 5(12A):2327-2341, 1991.
	C18	Qin <i>et al.</i> , "Promoter attenuation in gene therapy: interferon- $\gamma$ and tumor necrosis factor- $\alpha$ inhibit transgene expression," <i>Hum. Gene Ther.</i> , 8(17):2019-2029, 1997.
	C19	Ritter <i>et al.</i> , "Stimulatory and inhibitory action of cytokines on the regulation of hCMV-IE promoter activity in human endothelial cells," <i>Cytokine</i> , 12(8):1163-1170, 2000.
	C20	Robinson, "DNA based vaccines: new possibilities for disease prevention and treatment," <i>Can. Med. Assoc. J.</i> , 152(10):1629-1632, 1995.
	C21	Ruvkun and Finney, "Regulation of transcriptional and cell identity by POU domain proteins," <i>Cell</i> , 64(3):475-478, 1991.

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	C22	Smale and Baltimore, "The 'initiator' as a transcription control element," <i>Cell</i> , 57(1):103-113, 1989.
	C23	Spooner <i>et al.</i> , "DNA vaccination for cancer treatment," <i>Gene Therapy</i> , 2:173-180, 1995.
	C24	Tanaka <i>et al.</i> , "Recognition DNA sequences of interferon regulatory factor 1 (IRF-1) and IRF-2, regulators of cell growth and the interferon system," <i>Mol. Cell. Biol.</i> , 13(8):4531-4538, 1993.
	C25	Virbasius, "NRF-1, an activator involved in nuclear-mitochondrial interactions, utilizes a new DNA-binding domain conserved in a family of developmental regulators," <i>Genes Dev.</i> , 7(12A):2431-2445, 1992.
	C26	Williams and Tijian, "Analysis of the DNA-binding and activation properties of the human transcription factor AP-2," <i>Genes Dev.</i> , 5(4):670-682, 1991
	C27	Yen <i>et al.</i> , "An alternative spliced form of FosB is a negative regulator of transcriptional activation and transformation by Fos proteins," <i>Proc. Natl. Acad. Sci., USA</i> , 88(12):5077-5081, 1991.

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